

Court No. - 29

Case :- WRIT - C No. - 24230 of 2013

Petitioner :- Shri Om Prakash Tiwari

Respondent :- State Information Commission And Another

Petitioner Counsel :- S.K. Dwivedi

Hon'ble Sunil Ambwani,J.

Hon'ble Bharat Bhushan,J.

1. We have heard Sri S.K. Dwivedi for the petitioner. Learned standing counsel appears for the State respondents. Sri M.C. Chaturvedi appears for the State Information Commission.

2. The petitioner is aggrieved by the order passed by the State Information Commission dated 25.10.2012, by which penalty of Rs.25,000/- has been imposed against him to be deposited in five instalments, for not appearing nor communicating any reply to the notice given by the Commission to the petitioner on 24.01.2012.

3. It is submitted by the petitioner that the required information was provided to the applicant on 20.11.2010 in response to his application dated 23.10.2010, within the prescribed time. The applicant was not satisfied on which he filed an appeal in which specific stand taken on behalf of the petitioner was that Sri Madan Lal, the Assistant Public Information Officer has appeared on his behalf, and that a writ petition is already pending with regard to demand of development charges from the applicant.

4. Learned Commissioner observed that neither the petitioner appeared in person nor submitted his reply to the notice on 24.1.2012. The petitioner has not annexed this reply, which may have been given. The petitioner has stated in para 12 of the writ petition that he has appeared before the Commission on 14.7.2011 and on the same day he has informed the Commission that he had given reply and complied with the order. The petitioner however has not stated whether he had appeared in response to the notice issued by the Commission on the date fixed in the notice dated 24.1.2012, nor has stated that he has given reply to the said notice.

5. The Commission has referred to the three questions on which information was sought by the applicant and the fourth question with regard to demand of development charges by a separate application. The petitioner has neither appeared in person in response to the notices issued by the Commission dated 24.01.2012, nor gave any reply on which the Commission has imposed penalty.

6. Even in this writ petition, the petitioner has not given any reason as to why he did not appear before the Commission or filed any reply in response to the notice dated 24.01.2012. The non-appearance and non submission of reply was sufficient to attract penalty imposed against him, which is not disproportionate to the negligence and disrespect shown to the statutory tribunal.

7. The writ petition is **dismissed**.

Order Date :- 6.5.2013

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